IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Christopher W. Ramirez, James A. Howell, Jr.		
Assignee:	Dell Products L.P.		
Title:	Process for Remote Recovery and Creation of Machine Specific Authentication Keys for Systems		
Serial No.:	10/672,130	Filing Date:	September 26, 2003
Examiner:	Nancy Loan T. Le	Group Art Unit:	3621
Docket No.:	DC-05161	Customer No.:	33438

<div align="right">

Austin, Texas
March 19, 2007

</div>

Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

<div align="center">

RESUBMITTED APPEAL BRIEF UNDER 37 CFR § 41.37

</div>

Dear Sir:

Applicant resubmits this Appeal Brief pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review filed in this case on May 3, 2006. A Notice of Panel Decision from Pre-Appeal Review was mailed on July 26, 2006, resetting the time period for filing of an Appeal Brief to August 26, 2006 and the Notification of Non-Compliant Appeal Brief dated February 23, 2007. The Appeal Brief fee was previously paid via the electronic filing system. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account No. 502264.

I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, Dell Products L.P. as named in the caption above and as evidenced by the assignment set forth at Reel 014547 Frame 0699.

II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

Claims 1, 3 - 11 and 13 - 20 are pending in the application. Claims 1, 3 - 11 and 13 - 20 stand rejected. The rejection of claims 1, 3 - 11 and 13 - 20 is appealed. Appendix "A" contains the full set of pending claims.

IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

The present invention, as set forth by independent claim 1, relates to a method for enabling remote restoration of a purchase verification (see e.g., Figures 3 and 5) which includes obtaining a value that uniquely identifies an information handling system (see e.g., Page 3, lines 15 – 21), obtaining a promotion code value that identifies a benefit (see e.g., Page 9, lines 11 – 14), linking the value that uniquely identifies the information handling system with the promotion code value for the information handling system (see e.g., Page 9, lines 11 – 14), during remote restoration, obtaining the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system (see e.g., Page 9, lines 8 – 11), providing the promotion code value to the information handling system to re-enable the benefit (see e.g., Page 9, lines 13 – 19), installing application software in an information handling system memory when the information handling system is assembled at a manufacturing facility (see e.g., Page 11, lines 6 – 10), and linking any promotion code values with the value that uniquely identifies the information handling system within an order management system (see e.g., Page 10, lines 13 – 22).

The present invention, as set forth by independent claim 7, relates to a process for remote creation of a system specific key for a benefit purchased post point of sale from a manufacturer of an information handling system (See e.g., Figure 4) which includes obtaining a value that uniquely identifies an information handling system (see e.g., Page 10, lines 7 – 12), obtaining a promotion code value that identifies the benefit (see e.g., Page 10, lines 18 – 22), linking the value that uniquely identifies the information handing system with the product code value (see e.g., Page 4, lines 11, 12), creating the system specific key for the benefit purchased post point of sale based upon the value that uniquely identifies the information handling (see e.g., Page 10, lines 23, 24), and providing the promotion code value to the information handling system to enable benefit (see e.g., Page 10, lines 25 – 29). The value that uniquely identifies the information handling system is installed on the information handling system when the information handling system is fabricated.

The present invention, as set forth by independent claim 11, relates to a system for enabling remote restoration of a purchase verification (see e.g., Figures 3 and 5 generally), which includes an install module, a link module, and a restore module where restore module is configured to obtain a value that uniquely identifies an information handling system (see e.g., Page 3, lines 15 – 21), obtain a promotion code value that identifies a benefit, link the value that uniquely identifies an information handling system with the product code value for the information handling system (see e.g., Page 9, lines 11 – 14), during remote restoration, obtain the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system (see e.g., Page 9, lines 8 – 11), and provide the promotion code value to the information handling system to re-enable benefit (see e.g., Page 9, lines 13 – 19). The install module installs application software on an information handling system when the information handling system is assembled at a manufacturing facility (see e.g., Page 11, lines 6 – 10). The link module links any promotion code values with the value that uniquely identifies the information handling system within an order management system (see e.g., Page 10, lines 13 – 22).

The present invention, as set forth by independent claim 17, relates to a system for remote creation of a system specific key for a benefit purchased post point of sale from a manufacturer of an information handling system (see e.g., Figure 4 generally) which includes a

restore module. The restore module is configured to obtain a value that uniquely identifies the information handling system (see e.g., Page 10., lines 7 – 12), obtain a promotion code value that identifies the benefit (see e.g., Page 10, lines 18 – 22), link the value that uniquely identifies the information handing system with the product code value (see e.g., Page 4, lines 11, 12), create the system specific key for the benefit purchased post point of sale based upon the value that uniquely identifies the information handling (see e.g., Page 10, lines 23, 24), and provide the promotion code value to the information handling system to enable benefit (see e.g., Page 10, lines 25 – 29). The value that uniquely identifies the information handling system is installed on the information handling system when the information handling system is fabricated.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Claims 1, 3 - 11 and 13 - 20 stand rejected under Horstmann, U.S. Patent No. 6,009,401 (Horstmann).

VII. ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

Claims 1 - 11 and 13 - 20 are allowable over Horstmann

The present invention, generally relates to remote restoration of upgrade or product keys. More specifically, if reinstall of a base client occurs before registration of product with which the upgrade or product key is associated, a client can transparently receive an upgrade key by connecting to a restore server and the restore server receiving a unique identifier of the system for which the remote restoration is needed.

Horstmann relates to electronic software distribution and licensing. Horstmann provides a mechanism for use in conjunction with electronic software distribution that provides purchase documentation and allows for convenient re-download and relicensing of software, including old software versions. Horstmann sets forth "[t]he relicensing manager provides for proper reinstallation of the license certificate". (Horstmann, Col. 4, lines 10 – 11.) Horstmann also sets forth "[t]he relicensing manager fetches the software, installs the software on the user's machine and updates the license certificate". (Horstmann, Col. 4, lines 31 – 34.)

Generally, Horstmann relates to re-download and relicensing of software as compared to the claimed remote restoration. As discussed in the present application, a remote restoration occurs when it is necessary for a client to perform a software re-install or hard drive replacement on a computer system which includes a product key. (See e.g., Ramirez Application, Page 3, line 29 – Page 4, line 3.)

When discussing Applicant's remarks, the Examiner set forth:

> The prior art does not teach 'remote restoration' of software that was installed on an information handling system memory (i.e., computer memory) …

> The Office respectfully disagrees with the Applicant's argument because the Office does not see any functional differences between 'remote restoration' and 'remote downloading,' as taught by the prior art (col. 4, lines 6-11, col. 5, line 10). Therefore, remote downloading and remote restoration are functionally equivalent, as demonstrated by claim language of "installing software application … " in independent claims 1, 11 and 17. (Office Action March 7, 2006, Page 1, No. 1).

> The Office respectfully disagrees with the Applicant's arguments because a "promotion code," in terms of functionality, is a unique value that identifies the machine/computer. Providing the user with the capability to reinstall the software, after it was purchased is clearly a post purchase benefit provided by the prior art. In this case, in the event that the software gets erased or wiped out during a hardware failure, the promotional code/machine ID gets validated (column 5, lines 1-16), and the software can get re-downloaded or re-licensed (column 2, lines 62-63, col. 5, lines 25-26). (Office Action March 7, 2006, Page 2, No. 4).

It is respectfully submitted that the Examiner is not providing sufficient patentable weight to the terms "remote restoration" and "promotion code". Each of these terms has meaning within the art in which the invention resides and those skilled in the art would appreciate the distinctions presented by these terms. As discussed in the present application, a remote restoration occurs when it is necessary for a client to perform a software re-install or hard drive replacement on a computer system which includes a product key. (See e.g., Ramirez Application, Page 3, line 29 – Pate 4, line 3.) A promotion code provides an indicia of whether or not particular goods or services are included within a computer system and if so, identifies the goods or services. (See e.g., Ramirez Application, Page 3, lines 15 – 28.)

Nowhere in Horstmann is there any teaching or suggestion of remote restoration of software that was installed on an information handling system memory when the information

handling system was assembled at a manufacturing facility, as required by claims 1, 7 and 11. Additionally, nowhere in is there any teaching or suggestion of obtaining a value that uniquely identifies an information handling system where the value that uniquely identifies the information handling system is installed on the information handling system when the information handling system is fabricated as required by claim 17.

More specifically, Horstmann does not teach or suggest a method for enabling **remote restoration** *of a purchase verification* which includes *installing application software in an information handling system memory when the information handling system is assembled at a manufacturing facility*, and *linking any promotion code values with the value that uniquely identifies the information handling system within an order management system*, all as required by claim 1. Accordingly, claim 1 is allowable over Horstmann. Claims 3 - 6 depend from claim 1 and are allowable for at least this reason.

Horstmann does not teach or suggest a process for **remote creation** of a system specific key for a benefit purchased post point of sale *from a manufacturer of an information handling system*, much less such a process which includes obtaining a value that uniquely identifies the information handling system where the value is installed on the information handling system when the information handling system is fabricated and linking the value that uniquely identifies the information handing system with the product code value, all as required by claim 7. Accordingly, claim 7 is allowable over Horstmann. Claims 8 - 10 depend from claim 7 and are allowable for at least this reason.

Horstmann does not teach or suggest a system for enabling **remote restoration** of a purchase verification, which includes an install module, a link module and a restore module, where the restore module is configured to *during remote restoration, obtain the promotion code value for the information handling system by providing the value that uniquely identifies the information handling system, and provide the promotion code value to the information handling system to re-enable benefit*, and where the install module *installs application software on an information handling system when the information handling system is assembled at a manufacturing facility* and wherein the link module links any promotion code values with the value that uniquely identifies the information handling system within an order management

system, all as required by claim 11. Accordingly, claim 11 is allowable over Hosrtmann. Claims 12 - 16 depend from claim 11 and are allowable for at least this reason.

Horstmann does not teach or suggest a system for **remote creation** of a system specific key for a benefit purchased post point of sale *from a manufacturer of an information handling system* which includes a *restore module* where the restore module is configured to *obtain a value that uniquely identifies the information handling system* where the value that uniquely identifies the information handling system is *installed on the information handling system when it is fabricated*, all as required by claim 17. Accordingly, claim 17 is allowable over Horstmann. Claims 18 - 20 depend from claim 17 and are allowable for at least this reason.

VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Appendix A.

IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

XI. CONCLUSION

For the reasons set forth above, Applicant respectfully submits that the rejection of pending claims 1, 3 - 11 and 13 - 20 is unfounded, and requests that the rejection of claims 1, 3 - 11 and 13 - 20 be reversed.

<table>
<tr><td>
I hereby certify that this correspondence is being electronically submitted via the USPTO Web Site on March 19, 2007.

/Stephen A. Terrile/
_____
Attorney for Applicant(s)
</td><td>
Respectfully submitted,

/Stephen A. Terrile/

Stephen A. Terrile
Attorney for Applicant(s)
Reg. No. 32,946
</td></tr>
</table>

1.   A method for enabling remote restoration of a purchase verification, comprising:

obtaining a value that uniquely identifies an information handling system;

obtaining a promotion code value that identifies a benefit;

linking the value that uniquely identifies the information handling system with the
        promotion code value for the information handling system;

during remote restoration, obtaining the promotion code value for the information
        handling system by providing the value that uniquely identifies the information
        handling system; and,

providing the promotion code value to the information handling system to re-enable the
        benefit;

installing application software in an information handling system memory when the
        information handling system is assembled at a manufacturing facility; and,

linking any promotion code values with the value that uniquely identifies the information
        handling system within an order management system.

3.   The method of claim 1, wherein:

the promotion code value includes a system specific key that enables a benefit.

4.   The method of claim 3 wherein:

the benefit was erased prior to registration of the benefit; and,

the method includes placing the keys and software back onto the information handling
        system.

5.   The method of claim 1 wherein:

the value that uniquely identifies an information handling system is a service tag.

6.   The method of claim 1 further comprising:

determining whether any promotion code value or benefit is present on the information
        handling system during the remote restoration; and

comparing an expected promotion code value and expected benefit to any promotion
code value or benefit stored on the information handling system to determine
which promotion code value and benefit to restore to the information handling
system.

7. A process for remote creation of a system specific key for a benefit purchased
post point of sale from a manufacturer of an information handling system comprising:

obtaining a value that uniquely identifies the information handling system, the value that
uniquely identifies the information handling system being installed on the
information handling system when the information handling system is fabricated;

obtaining a promotion code value that identifies the benefit;

linking the value that uniquely identifies the information handing system with the product
code value; and,

creating the system specific key for the benefit purchased post point of sale based upon
the value that uniquely identifies the information handling; and,

providing the promotion code value to the information handling system to enable benefit.

8. The method of claim 7, wherein:

the promotion code value includes the system specific key; and,

the system specific key enables a benefit.

9. The method of claim 7 wherein:

the value that uniquely identifies an information handling system is a service tag.

10. The method of claim 7 further comprising:

determining whether any promotion code value or benefit is present on the information
handling system during the remote creation; and

comparing an expected promotion code value and expected benefit to any promotion
code value or benefit stored on the information handling system to determine
which promotion code value and benefit to provide to the information handling
system.

11.   A system for enabling remote restoration of a purchase verification, comprising:
a restore module, the restore module being configured to:

  obtain a value that uniquely identifies an information handling system;

  obtain a promotion code value that identifies a benefit;

  link the value that uniquely identifies an information handling system with the
    product code value for the information handling system;

  during remote restoration, obtain the promotion code value for the information
    handling system by providing the value that uniquely identifies the
    information handling system; and,

  provide the promotion code value to the information handling system to re-enable
    benefit;

an install module, the install module installing application software on an information
  handling system memory when the information handling system is assembled at a
  manufacturing facility; and,

a link module, the link module linking any promotion code values with the value that
  uniquely identifies the information handling system within an order management
  system.

13.   The system of claim 11, wherein:
the promotion code value includes a system specific key that enables a benefit.

14.   The system of claim 13 wherein:
the benefit was erased prior to registration of the benefit; and,
the restore module includes instructions for placing the keys and software back onto the
  information handling system.

15.   The system of claim 11 wherein:
the value that uniquely identifies an information handling system is a service tag.

16.   The system of claim 11 further comprising:

a determining module, the determining module determining whether any promotion code value or benefit is present on the information handling system during the remote restoration; and

a comparing module, the comparing module comparing an expected promotion code value and expected benefit to any promotion code value or benefit stored on the information handling system to determine which promotion code value and benefit to restore to the information handling system.

17.   A system for remote creation of a system specific key for a benefit purchased post point of sale from a manufacturer of an information handling system comprising:

a restore module, the restore module configured to:

obtain a value that uniquely identifies the information handling system, the value that uniquely identifies the information handling system being installed on the information handling system when the information handling system is fabricated;

obtain a promotion code value that identifies the benefit;

link the value that uniquely identifies the information handing system with the product code value; and,

create the system specific key for the benefit purchased post point of sale based upon the value that uniquely identifies the information handling; and,

provide the promotion code value to the information handling system to enable benefit.

18.   The system of claim 17, wherein:

the promotion code value includes the system specific key; and,

the system specific key enables a benefit.

19.   The system of claim 17 wherein:

the value that uniquely identifies an information handling system is a service tag.

20.   The system of claim 17 the restore module is further configured to:

determine whether any promotion code value or benefit is present on the information handling system during the remote creation; and

compare an expected promotion code value and expected benefit to any promotion code value or benefit stored on the information handling system to determine which promotion code value and benefit to provide to the information handling system.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

None

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.